

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

**COUNTER-DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON  
APPEAL OF THE BANKRUPTCY COURT'S ORDER DENYING ANDERSON  
MEMORIAL HOSPITAL'S MOTION FOR CLASS CERTIFICATION**

The above-captioned Debtors, by and through their counsel, pursuant to Federal Rule of Bankruptcy 8006 and Local Rule 8006-1, in connection with the Appellant's notice of appeal and motion for leave to appeal (Dkt. Nos. 18895, 18896) of the Bankruptcy Court's May 29, 2008 denial of Anderson Memorial Hospital's motion for class certification (Dkt. 18821), set forth this Counter-Designation of items to be included in the record on appeal.<sup>1</sup>

<sup>1</sup> Debtors' position is that the Bankruptcy Court's order denying class certification is not appealable as of right or pursuant to either Rule 23(f) or 28 U.S.C. § 158(a)(3). (Dkt. 18962) By submitting this counter-designation, Debtors do not concede that the order is appealable.

Additional Items to be Included in the Record on Appeal

Date	Bankruptcy Docket Number	Description
1/14/1993	Court Ex. 6	<i>Anderson Memorial, Court of Common Pleas, County of Hampton, South Carolina, No. 92-CP-25-279, First Amended Class Action Complaint</i>
4/04/1994	Court Ex. 49	<i>Anderson Memorial, Court of Common Pleas, County of Hampton, South Carolina, No. 92-CP-25-279, Defendants' Motion to Strike Class Action Allegations As To Non-Residents Whose Causes Of Action Are Foreign To South Carolina</i>
7/06/1994	None	<i>Anderson Memorial, Court of Common Pleas, County of Hampton, South Carolina, No. 92-CP-25-279, Transcript of Hearing Before Honorable William L. Howard; July 6, 1994; pgs. 69-72</i>
8/12/1994	Court Ex. 75	<i>Anderson Memorial, Court of Common Pleas, County of Hampton, South Carolina, No. 92-CP-25-279, Memorandum Order granting Certain Defendants' Motion to Strike Class Allegations as to Non-Residents Whose Causes of Actions are Foreign to South Carolina</i>
5/31/1996	Court Ex. 112	<i>Anderson Memorial, Court of Common Pleas, County of Hampton, South Carolina, No. 92-CP-25-279, Order Denying Anderson Memorial's Motion to Reconsider</i>
9/05/1996	Court Ex. 116	<i>Anderson Memorial, Court of Common Pleas, County of Hampton, South Carolina, No. 92-CP-25-279, Anderson Memorial's Second Amended Class Action Complaint</i>
3/05/1998	Court Ex. 166	<i>Anderson Memorial, Court of Common Pleas, County of Hampton, South Carolina, No. 92-CP-25-279, Affidavit of Robert Beber in Support of Defendants' Opposition to Anderson Memorial's Motion to Certify a Class, with Exhibits</i>
3/05/1998	Court Ex. 166	<i>Anderson Memorial, Court of Common Pleas, County of Hampton, South Carolina, No. 92-CP-25-279, Defendants' Memorandum in Opposition to Class Certification</i>
5/26/1998	Court Ex. 169	<i>Anderson Memorial, Court of Common Pleas, County of Hampton, South Carolina, No. 92-CP-25-279, Defendant's Response to Plaintiff's Reply Brief, with Exhibits</i>
10/19/2000	None	<i>Anderson Memorial, Court of Common Pleas, County of Hampton, South Carolina, No. 92-CP-25-279, Affidavit of Richard Finke, with Exhibit</i>
10/23/2000	Court Ex. 185	<i>Anderson Memorial, Court of Common Pleas, County of Hampton, South Carolina, No. 92-CP-25-279, Certain Defendants' Post-Hearing Brief in Opposition to Class Certification, Anderson Memorial, with Exhibits</i>

2/09/2001	Court Ex. 188	<i>Anderson Memorial, Court of Common Pleas, County of Hampton, South Carolina, No. 92-CP-25-279, Conditional Order Certifying a Statewide Class</i>
2/14/2001	Court Ex. 190	<i>Anderson Memorial, Court of Common Pleas, County of Hampton, South Carolina, No. 92-CP-25-279, Memorandum of Defendant W.R. Grace in Response to February 9 Show Cause Order of this Court, Anderson Memorial</i>
3/19/2001	None	<i>Anderson Memorial, Court of Common Pleas, County of Hampton, South Carolina, No. 92-CP-25-279, March 19, 2001 hearing transcript</i>
4/02/2001	1	Voluntary Petition Under Chapter 11
5/07/2001	None	<i>Anderson Memorial, Court of Common Pleas, County of Hampton, South Carolina, No. 92-CP-25-279, Letter from Judge Hayes to Dan Speights</i>
5/24/2001	N/A	Letter giving notice of election of Co-Chairpersons of Property Damage Committee
7/05/2001	None	<i>Anderson Memorial, Court of Common Pleas, County of Hampton, South Carolina, No. 92-CP-25-279, Final Certification Order</i>
4/15/2002	1930	Affidavit of service of bar date notice plan, proof of claim forms, and related materials
7/8/2002	2347	Debtors' Response to Motion of the Asbestos Property Damage Committee for Clarification of the Bar Date Order, Extending or Abating Deadlines and Modification of the Bar Date Order
10/22/2004	6715	Revised Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019
10/25/2004	6712	Order Denying Motion of Intercat, Inc. for Leave to File Late Proof of Claim
12/20/2004	7221	Verified Statements of Multiple Representation and Exhibits
1/06/2005	7462	Transcript of Hearing Before Honorable Judith K. Fitzgerald; September 27, 2004
6/17/2005	8640	Debtors' Twelfth Omnibus Objection to Certain Claims Filed by the Law Firm of Speights & Runyan (Non-Substantive)
6/21/2005	8645	Notice of Rule 30(b)(6) Deposition of American Medical Association
6/21/2005	8646	Notice of Rule 30(b)(6) Deposition of Maryland Casualty Company
6/21/2005	8650	Notice of Rule 30(b)(6) Deposition of The Harvard Vanguard Medical Associates Management Offices
6/29/2005	8710	Notice of Withdrawal of Proof of Claim No. 6661
6/29/2005	8712	Notice of Withdrawal of Proof of Claim No. 6726
6/29/2005	8713	Notice of Withdrawal of Proof of Claim No. 6721
6/29/2005	8778	Notice of Withdrawal of Proof of Claim No. 11591
9/22/2005	9488	Order Denying Pacific Corp and VanCott Bagley Cornwall & McCarthy Motion for Leave to File Late Proofs of Claim

9/27/2005	9517	Order Allowing Withdrawal of Certain Claims Filed by the Law Firm of Speights & Runyan
09/30/2005	9546	Debtors' Brief in Support of the Disallowance and Expungement of 1,900 Improper Claims Filed by the Law Firm Speights & Runyan
10/07/2005	9607	Speights & Runyan's Response to 13th omnibus objection
11/01/2005	10961	Order for the Withdrawal and Expungement of 1495 Asbestos PD Claims
12/02/2005	11245	Debtor's Brief in Opposition to Motion of Anderson Memorial Hospital for Class Certification
12/19/2005	11365	Debtors' Motion for a Protective Order Against Anderson Memorial's Requests for 30(b)(6) Depositions and Documents
1/03/2006	11473	Transcript of Hearing Before Honorable Judith K. Fitzgerald; December 19, 2005
1/10/2006	11520	Debtors' Objection to Anderson Memorial Hospital's Motion for Limited Relief From Automatic Stay
1/13/2006	11547	Debtors' Brief Describing the Purpose that Publication Notice Served in the Debtors' Bar Date Note Program
2/03/2006	11712	Debtors' brief in support of the disallowance of 71 claims
08/03/2006	12919	Transcript of Omnibus Hearing Before Honorable Judith K. Fitzgerald; July 24, 2006
8/31/2006	13120	Order Setting Various Deadlines Regarding Objections to Asbestos Property Damage Claim, with Exhibits
9/15/2006	13236	Debtors' Supplement to Objection to Anderson Memorial's Motion for Limited Relief from Automatic Stay
10/13/2006	13406	Order [AMENDED] Setting Various Deadlines Regarding Objections to Asbestos Property Damage Claims, with Exhibits
10/13/2006	13412	Debtors' Motion for Leave to File a Reply in support of its Motion for Protective Order Against Anderson Memorial's Request for 30(B)(6) Depositions and Documents
10/24/2006	13457	Order Disallowing and Expunging as Time-Barred Two Asbestos PD Claims Filed by Prudential Insurance Company on Account of Building Located in Georgia
11/06/2006	13588	Debtors' Motion for Protective Order Against Anderson Memorial's October 30, 2006 Requests for 30(b)(6) Depositions and Documents
11/10/2006	13630	Debtor's Supplemental Brief re Federal Rule of Evidence 408 in Support of their Motion for Protective Order Against Anderson Memorial's Requests for 30(b)(6) Depositions and Documents, with Exhibits

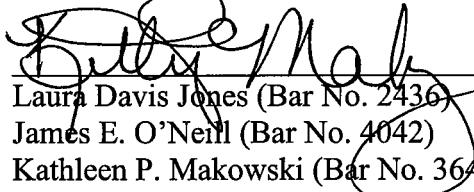
12/13/2006	N/A	W.R. Grace & Co.'s Responses and Objections to Anderson Memorial Hospital's October 30, 2006 Amended Requests for Production
12/21/2006	14136	December 21, 2006 Expert Report of Graeme Mew, Opinion Limitation Issues
1/03/2007	14205	Transcript of Hearing Before Honorable Judith K. Fitzgerald, December 18, 2006
1/05/2007	14236	Debtors' Response to Anderson Memorial Hospital's Motion to Compel Deposition of Debtors' Records Custodian
1/17/2007	N/A	Grace's Response to Anderson Memorial Hospital's October 30, 2006 Amended Requests for Production, with Enclosures
02/16/2007	14597	Debtors' Motion and Memorandum for an Order Pursuant to F.R.B.P. 7056 Disallowing and Expunging Eighty-Eight (88) Time-Barred Canadian Asbestos Property Damage
4/02/2007	01-10578 11968	Federal Mogul Hearing Transcript: Pages 31-44
5/02/2007	01-10578 12308	Federal Mogul Hearing Transcript: Pages 11-77
5/28/2007	15826	W.R. Grace & Co.'s Response to Anderson Memorial Hospital's Motion to Strike the Debtors' December 13, 2006 Responses and Objections to Anderson Memorial Hospital's Motion to Compel the Debtors to Provide Full and Complete Responses to Anderson Memorial Hospital's October 30, 2006 Amended Requests for Production
6/07/2007	N/A	Letter from L. Esayian to D. Speights re Anderson Memorial Class Certification Hearing
6/13/2007	N/A	Letter from M. Dierkes to D. Speights enclosing documents in response to Anderson Memorial's Amended Requests for Production
6/15/2007	N/A	Grace's Supplemental Response to Anderson Memorial Hospital's October 23, 2006 Amended Requests for Production
07/13/07	16273	Transcript of Hearing Before Honorable Judith K. Fitzgerald United States Bankruptcy Court Judge; June 29, 2007

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